

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

OPERATING ENGINEERS LOCAL 66,)
AFL-CIO AND CONSTRUCTION)
INDUSTRY COMBINED FUNDS, INC., as)
agent for the Board of Trustees of) Civil Action No. 2:20-cv-1995-CRE
Operating Engineers Local 66 Annuity and)
Savings Fund, Operating Engineers)
Construction Industry and Miscellaneous)
Pension Fund, International Union of)
Operating Engineers, Operating Engineers)
Local 66 Welfare Fund and Operating)
Engineers Local 66 Dues Deduction Fund)
and other related Funds,)
Plaintiff,)
v.)
EAST COAST PAVING & SEAL)
COATING, INC. a/k/a EAST COAST)
PAVING & SEALCOATING, INC.,)
BARBARA S. HASSON and BARRY)
MILES,)
Defendants.)

MOTION FOR DEFAULT JUDGMENT
AGAINST DEFENDANT BARBARA S. HASSON

Plaintiff, Operating Engineers Local 66, AFL-CIO and Construction Industry Combined Funds, Inc. (the "**Funds**"), by and through their counsel, Tucker Arensberg, P.C., files the following Motion for Default Judgment Against Defendant Barbara S. Hasson, stating as follows:

1. On December 23, 2020, this action was commenced by the Funds by the filing of a Complaint against the Defendants, East Coast Paving & Seal Coating, Inc. a/k/a East Coast Paving & Sealcoating, Inc. ("**East Coast**"), Barbara S. Hasson and Barry Miles.
2. On March 9, 2021, the Complaint, Summons, Civil Cover Sheet, and Order of Court dated December 28, 2020 were served on Defendant Barbara S. Hasson.
3. Pursuant to Fed. R. Civ. P. 12(a)(1)(A), Defendant Barbara S. Hasson was required to file and serve her response to Plaintiff's Complaint no later than March 30, 2021.

4. Defendant Barbara S. Hasson failed to file or serve a response to Plaintiff's Complaint.

5. No appearance has been entered on behalf of Defendant Barbara S. Hasson and she has not taken any action to evidence her intent to defend this action.

6. On August 22, 2019, a default was entered against Defendant Barbara S. Hasson by the Clerk of Courts pursuant to a Request for Default filed by the Plaintiff.

COUNT II
Operating Engineers Local 66, AFL-CIO and
Construction Industry Combined Funds, Inc. v. Barbara S. Hasson

7. Plaintiff now requests the entry of a default judgment against Defendant Barbara S. Hasson.

8. Barbara S. Hasson is indebted to the Funds due to her failure to pay fringe benefit contributions to Plaintiff pursuant to a collective bargaining agreement ("Agreement").

9. The Agreement provides for the assessment of interest on the principal amount of delinquent fringe benefit contributions owed by Barbara S. Hasson.

10. The Agreement also provides for the assessment of liquidated damages and attorneys' fees based upon the amount of delinquent sums owed.

11. As a result of the foregoing, Plaintiff requests the entry of a default judgment against Barbara S. Hasson in the following amount per the listed paragraphs in the Complaint:

Principal per Paragraph 26 of Complaint	\$50,279.72
Interest through December 23, 2020 per Paragraph 26 of Complaint	\$11,287.65
Interest from December 23, 2020 through April 13, 2021 (111 days @ \$16.53 per day) per Paragraph 26 of Complaint	\$1,834.87
Liquidated Damages per Paragraph 26	<u>\$959.36</u>
Subtotal	\$64,361.60

Attorneys' Fees per Paragraph 29 (20% x \$64,361.60)	\$12,872.32
Record Costs per Wherfore Paragraph	<u>\$527.00</u>
TOTAL	\$77,760.92

12. To the best of Plaintiff's knowledge, Barbara S. Hasson is not in the military service of the United States. See Affidavit attached.

WHEREFORE, Plaintiff Operating Engineers Local 66, AFL-CIO and Construction Industry Combined Funds, Inc. respectfully requests this Honorable Court enter a default judgment its favor, and against the Defendant Barbara S. Hasson in the amount of \$77,760.92.

COUNT III
Operating Engineers Local 66, AFL-CIO and
Construction Industry Combined Funds, Inc. v. Barbara S. Hasson

13. Plaintiff now requests the entry of a default judgment against Defendant Barbara S. Hasson.

14. Barbara S. Hasson is indebted to the Funds due to her failure to pay wage deductions to Plaintiff pursuant to the Agreement.

15. The Agreement provides for the assessment of interest on the principal amount of delinquent wage deductions owed by Barbara S. Hasson.

16. As a result of the foregoing, Plaintiff requests the entry of a default judgment against Barbara S. Hasson in the following amount per the listed paragraphs in the Complaint:

Principal per Paragraph 34 of Complaint	\$3,784.50
Interest through December 23, 2020 per Paragraph 36 of Complaint	\$849.61
Interest from December 24, 2020 through April 13, 2021 (111 days @ \$1.24 per day) per Paragraph 36 of Complaint	<u>\$138.11</u>
TOTAL	\$4,772.21

17. To the best of Plaintiff's knowledge, Barbara S. Hasson is not in the military service of the United States. See Affidavit attached.

WHEREFORE, Plaintiff Operating Engineers Local 66, AFL-CIO and Construction Industry Combined Funds, Inc. respectfully requests this Honorable Court enter a default judgment its favor, and against the Defendant Barbara S. Hasson in the amount of \$4,772.21.

TUCKER ARENSBERG, P.C.

/s/ Jeffrey J. Leech

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TADMS:5496158-1 017020-178665

CERTIFICATE OF SERVICE

I hereby certify that the *Motion for Default Judgment against Defendant Barbara S. Hasson* was served on all parties of record by depositing thereof in the United States mail, first class postage prepaid, on the 16th day of April 2021, addressed as follows:

East Coast Paving & Seal Coating, Inc.
a/k/a East Coast Paving & Sealcoating, Inc.
208 3rd Street
New Castle, PA 16102

Barbara S. Hasson
418 Dover A
West Palm Beach, FL 33417

Barry Miles
4839 Maplewood Drive
Columbus, GA 31907-6024

/s/ Jeffrey J. Leech
Jeffrey J. Leech

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